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## FORT LAUDERDALE POLICE DEPARTMENT

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DATE: April 30, 2018  
TO: Chief Rick Maglione/Office of the Chief  
FROM: Major Victor London/Office of Internal Affairs *ML 1292*  
SUBJECT: Internal Affairs Case No. 16-072  
Detective Vincent Falzone (1642)  
Detective Johnathan Jones (1701)

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After careful review of the evidence and testimony in the captioned investigation, I have determined Detective Vincent Falzone is EXONERATED with regard to Fort Lauderdale Police Department Policy 119.1 subsection D *"Response to Resistance - Deadly Force."*

After careful review of the evidence and testimony in the captioned investigation, I have determined Detective Johnathan Jones is EXONERATED with regard to Fort Lauderdale Police Department Policy 119.1 subsection D *"Response to Resistance - Deadly Force."*

On November 28, 2016 Detective Vincent Falzone and Detective Johnathan Jones were on duty working as members of the Fort Lauderdale Police Department's Rapid Offender Control (ROC) Unit. This unit was comprised of sworn police officers tasked with responding to felonies that were in-progress or had recently occurred. They operated unmarked police vehicles and wore plain clothes. Detective Jones was the passenger in Detective Falzone's unmarked police vehicle. Both were wearing outer body armor vests which had the word "POLICE" prominently displayed on the front and rear. Detectives Jones and Falzone located a stolen vehicle that was occupied by three subjects at the McDonald's restaurant located at 2300 West Sunrise Boulevard in the City of Fort Lauderdale. Detectives Jones and Falzone coordinated a plan with their supervisor and other detectives to avoid a vehicle pursuit by intercepting the vehicle while it was at the "drive-thru" window on the north side of the McDonald's restaurant.

With their vehicles' emergency lights activated, Detective Falzone followed another unmarked police vehicle into the opposing direction of the drive thru and blocked the stolen vehicle's forward escape path. An uninvolved occupied civilian vehicle was directly behind the stolen vehicle which blocked its backwards egress. Detective Jones, Detective Falzone along with other detectives exited their police vehicles and approached the stolen vehicle while issuing commands to the occupants to surrender. Instead, the driver of the stolen vehicle accelerated in reverse and abruptly stopped. The passenger doors of the vehicle opened and two subjects exited and fled on foot. Detective Falzone saw what appeared to be a handgun in the driver's right hand. Simultaneously, the driver accelerated the vehicle forward directly towards Detective Falzone. This caused Detective Falzone to fear for his life because he did not have the ability to take evasive actions to avoid being struck by the vehicle due to its close proximity and speed. As a last resort, Detective Falzone discharged his authorized duty handgun at the driver twice

while being struck by the vehicle and falling backwards onto the hood of an unmarked police vehicle. The driver of the stolen vehicle then turned to the right and accelerated directly towards Detective Jones and bystanders who were behind him at a bus stop. This caused Detective Jones to fear for his life and the lives of the civilians, due to the vehicle's close proximity and speed. As a last resort, Detective Jones discharged his authorized duty handgun at the driver twice. The driver of the stolen vehicle then changed direction and fled the area westbound on Sunrise Boulevard.

Detective Falzone was later treated for minor injuries at Broward Health Medical Center. Deonte Delisser, the subject who fled from the front passenger seat of the stolen vehicle, was pursued and arrested nearby after discarding a handgun. The other passenger who fled from the rear seat of the stolen vehicle successfully eluded arrest and was never identified.

The stolen vehicle was subsequently recovered unoccupied. Forensic processing revealed all four of the rounds fired by the detectives impacted the vehicle. Attempts to determine if the driver was struck by any of the rounds were unsuccessful as he eluded arrest. A trace amount of human blood was collected from the interior of the stolen vehicle which indicated the driver was injured during the incident. Subsequent DNA analysis identified the driver of the vehicle as Tavares Taylor. A loaded handgun was also recovered from the stolen vehicle.

This incident underwent a comprehensive criminal and administrative review. The Broward Office of the State Attorney determined Detective Falzone's and Detective Jones' actions were justified and did not violate Florida statutes. Taylor was formally charged with Aggravated Battery on a Law Enforcement Officer and Delisser was formally charged with Trespassing in a Conveyance, Resisting without Violence and Carrying a Concealed Weapon. The Office of Internal Affairs' review concluded Detective Falzone's and Detective Jones' were in fear for their lives and were authorized to use deadly force. Departmental policy prohibits discharging a handgun at a moving vehicle. However, the totality of the circumstances revealed Detective Falzone and Detective Jones had no other alternative than to do so in order to prevent death or serious bodily harm to themselves or others. Therefore, the Office of Internal Affairs deemed their actions to be justified.

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5/9/18



**FORT LAUDERDALE POLICE DEPARTMENT  
INTERNAL AFFAIRS COMPLAINT REPORT FORM  
INTERNAL AFFAIRS CASE 16-072**

Complainant: Rick Maglione, Chief of Police Telephone: 954-828-5700  
Address: 1300 West Broward Blvd, Fort Lauderdale, FL 33312  
Location of Occurrence: 2300 W Sunrise Blvd, Fort Lauderdale FL 33311  
Date of Occurrence: November 28, 2016 Date Reported: November 28, 2016  
Personnel: Detective Vincent Falzone CCN: 1642 Assignment: C.I.D  
Personnel: Detective Johnathan Jones CCN: 1701 Assignment: C.I.D  
Report Number(s): 34-1611-174939 Case Category: 1 Use of Force

**Allegation(s):**

**Detective Vincent Falzone**

**Alleged violations of Fort Lauderdale Police Department Policy:**

**1. Policy 119.1, Section D. – "Response to Resistance – Deadly Force"**

Sustained \_\_\_\_\_ Not Sustained \_\_\_\_\_ Exonerated X Unfounded \_\_\_\_\_

**Detective Johnathan Jones**

**Alleged violation of Fort Lauderdale Police Department Policy:**

**1. Policy 119.1, "Section D.-Response to Resistance-Deadly Force"**

Sustained \_\_\_\_\_ Not Sustained \_\_\_\_\_ Exonerated X Unfounded \_\_\_\_\_

[Signature]  
Investigated by:  
SERGEANT Luan Malushi (CCN 1568)

[Signature] 1292 4-30-18  
Reviewed by:  
MAJOR Victor London (CCN 1292)

**STAFF REVIEW: I concur with the Internal Affairs finding:**

Police Chief [Signature] Date 5/9/18  
Assistant Chief [Signature] Date 5-1-18

I **do not concur** with the Internal Affairs finding. Attached is a separate memo with my recommendation(s)

Date \_\_\_\_\_

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**SUMMARY OF COMPLAINT**

The Office of Internal Affairs was tasked with determining if Detectives Vincent Falzone and Johnathan Jones use of deadly force on November 28, 2016, was in accordance with Department Policy 119.1, Response to Resistance.

On November 28, 2016, Detectives Vincent Falzone and Johnathan Jones of the Rapid Offender Control Unit (ROC) were conducting surveillance in the area of NW 27 Ave and NW 16 Street. The detectives located a suspicious vehicle driving through the neighborhood.

The detectives believed the vehicle was possibly stolen and continued to follow the vehicle, observing it pull into the McDonald's drive through at the corner of NW 24 Ave and W Sunrise Blvd. Detective Jones confirmed tag # 9326UG-Maine was stolen with the Fort Lauderdale Police Department Teletype Unit. Detective Jones advised other ROC Detectives, along with Sergeant Shannon Dameron, of the circumstances. Detectives from the ROC Unit, Matthew Guerra, Mark Clark, Steven Johnson, Thomas Vazquez and Chris Troiano arrived on scene. Sergeant Dameron advised the detectives to conduct a felony stop of the vehicle.

Detective Guerra drove his vehicle (followed by Detectives Falzone and Jones in their vehicle) in the opposite direction of the drive through, facing head on with the suspect vehicle, blocking it from escape. Detective Guerra, followed by Detectives Falzone, Jones, Johnson and Clark approached the vehicle on foot. The driver of the vehicle backed up to evade officers. The driver of the vehicle then accelerated the vehicle forward intentionally striking Detective Falzone. Detective Falzone simultaneously fired two (2) shots into the vehicle in self-defense. The driver of the vehicle then drove through a row of bushes which acted as a barrier between the property and the sidewalk.

Detective Jones observed the vehicle coming at him and several citizen bystanders on the sidewalk. Detective Jones fired two rounds into the suspect vehicle. The driver then fled westbound in the eastbound lanes of W Sunrise Blvd at a high rate of speed. The vehicle was later found unoccupied at 2827 NW 15 Court Fort Lauderdale, FL.

**FACTS OF THE INVESTIGATION**

On November 28, 2016, Detectives Falzone and Jones of the FLPD ROC Unit located a suspicious vehicle on NW 27 Ave in the 1600 block. The vehicle, a 2012 Ford Fusion had minor damage to the rear bumper and a Maine tag attached. The detectives believed it was a stolen vehicle. There were three occupants in the vehicle as the detectives continued to follow it to ascertain the tag number. Detective Falzone and Jones followed the suspect vehicle as it entered the drive through of the McDonald's located at 2300 W Sunrise Blvd.

Detective Jones was able to observe the tag number (9326UG-ME) and verified the vehicle as stolen via teletype (West Palm Beach Police Department case #2016-0019658). Utilizing a dedicated radio channel for ROC Detectives, Detective Jones notified the other detectives in the unit along with Sergeant Dameron of the vehicle circumstances.

Detectives Jones and Falzone continued surveillance of the suspect vehicle as Detectives Guerra, Clark, Vazquez, Johnson and Troiano arrived on scene. Sergeant Dameron advised



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Detectives Jones and Falzone to switch over to the district main channel for patrol assistance to conduct a felony stop.

Detectives Falzone and Jones decided to conduct a felony stop in the drive through with the assistance of the other ROC Detectives on scene. Detective Guerra drove his unmarked Camry in the opposite direction of the drive through with the vehicle police lights activated. Detectives Falzone and Jones followed Detective Guerra into the drive through with their vehicle blocking the suspect vehicle from escape.

Detectives Guerra, Falzone and Jones exited their vehicles and approached the suspect vehicle on foot. The detectives were dressed in plain clothes wearing their tactical vests with police insignias visible. Detective Johnson approached the vehicle on foot from the west side of the building. Detective Clark parked his vehicle on W Sunrise Blvd parallel to the McDonald's, then joined the other detectives on foot as they all approached the suspect vehicle.

The suspect driver observed the detectives and backed up the vehicle. The front seat passenger and rear passenger both exited the vehicle. The front seat passenger ran eastbound from the drive through as Detectives Clark, Guerra and Troiano chased him on foot. The rear seat passenger exited the car and attempted to enter the McDonald's restaurant.

The driver of the vehicle accelerated forward striking Detective Falzone. Simultaneously, Detective Falzone fired two shots at the suspect vehicle. The suspect driver then drove through a row of bushes onto the swale/sidewalk. Detective Jones was positioned in this area and observed the suspect vehicle coming at him. Detective Jones fired two rounds at the suspect vehicle. The suspect vehicle drove over the sidewalk and continued eastbound into the westbound lanes of W Sunrise Blvd. Dispatch was updated with the suspect vehicle direction and description. Detectives Falzone and Jones got in their vehicle and attempted to locate the suspect vehicle, but were unsuccessful.

Detectives Guerra, Clark and Troiano chased the front seat suspect as patrol officers arrived on scene. A perimeter was established to locate the front seat suspect. The front seat suspect climbed over the wall adjacent to the neighborhood to the south of the McDonald's parking lot and dropped a gun. Detective Troiano secured the loaded weapon (FNH Model FNX-9) until relieved by Officer Aaron Burk. The holster for the handgun was located at 2231 NW 9 CT by Officer Mark Johnson.

The front seat suspect was located hiding in a nearby apartment building located at 2204 NW 8 Ct. That suspect was positively identified by the ROC Detectives as the front seat passenger. The male was identified as Deonte Delisser. Mr. Delisser was taken to the FLPD Criminal Investigations Division. The rear seat suspect after exiting the suspect vehicle was able to flee the scene and has yet to be identified. The suspect vehicle was located unoccupied at 2827 NW 15 Ct. Fort Lauderdale, FL. The driver of the vehicle was later identified as Tavares Taylor as a result of blood evidence collected from the vehicle (see Homicide Report Section).

FLPD Homicide Detectives were called out to the crime scene. Detective Orlando Almanzar was the lead investigator assigned to investigate the police-involved shooting. After gathering the evidence and information related to the police-involved shooting, Detective Almanzar turned over his findings to the Broward State Attorney's Office (SAO) Special Prosecution Unit (SPU) for review. On May 11, 2017, Assistant State Attorney in Charge (ASAC) Timothy Donnelly of

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the Special Prosecution Unit (SPU) issued a letter to Police Chief Rick Maglione, notifying him that Detectives Falzone and Jones police involved shooting was under review by his office.

On November 21, 2017, ASAC Donnelly issued a letter to Police Chief Maglione notifying him the SAO Special Prosecutions Office had concluded their review of Detectives Falzone and Jones police involved shooting. The SAO determined Detectives Falzone and Jones were legally justified in their use of force, and no criminal charges would be filed against them. Upon the conclusion of the SAO review, Detective Almanzar turned over his investigation to the Office of Internal Affairs for review.

*The Office of Internal Affairs examined the following documents related to Detectives Falzone and Jones use of deadly force:*

On November 21, 2017, Assistant State Attorney (ASA) Bernadine Philippe prepared a Close-out Memorandum with the findings of her review. ASA Philippe noted in her Close-out memorandum:

“...Detective Vincent Falzone was justified in discharging his firearm in an effort to stop Tavares Taylor from running him over, which might have caused great bodily harm or even the death to himself. Additionally, Detective Johnathan Jones was justified in discharging his firearm at the car (after it had struck Detective Falzone) in an effort to stop Tavares Taylor from inflicting any further harm to him or others.”

ASAC Timothy Donnelly reviewed ASA Philippe's entire case file and concurred with her findings. The Broward SAO considered their inquiry into Detectives Falzone and Jones police involved shooting as “closed.” Additionally, Detectives Falzone and Jones names have been removed from the “Brady List.”

Mr. Tavares Taylor was charged by the Broward SAO with the following charges under SAO case number CF1700864110A:

1. Aggravated Battery on a Law Enforcement Officer (LEO)

Mr. Deonte Delisser was charged by the Broward SAO with the following charges under SAO case number CF16013908CF10A:

1. Trespassing Conveyance
2. Resist Officer W/O Violence
3. Carrying Concealed Firearm

**Crime Scene Report:**

On January 29, 2018, the Office of Internal Affairs reviewed the case supplement reports prepared by FLPD Crime Scene Detective A. Johnson and Crime Scene Investigator Angela Clate.



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On November 28, 2016, Crime Scene Detective A. Johnson was notified by Detective Almanzar to respond to 2300 W Sunrise Blvd. in reference to a police-involved shooting. At approximately 1:00 p.m., Detective Johnson arrived on scene. Forensics Detective John Franco also responded to the crime scene to assist. Upon Detective A. Johnson's arrival, cups had already been placed on top of each of the spent shell casings and the crime scene area was secured by patrol officers.

The following evidentiary items were photographed and collected by Detective A. Johnson:

- Four 9mm fired casings NW end of McDonald's drive through
- Broken tempered glass in dirt tire track from drive through
- 9mm handgun Model FNX-9 serial number FX1U001826 with one chambered round
- Magazine with 15 Bullet Cartridges for above listed weapon
- Desantis Gun hide Holster
- Scene Photographs and Sketches

Detective A. Johnson departed the scene at 4:30 p.m. and secured all evidence collected at the FLPD Forensics Evidence Locker for further evaluation. Detective A. Johnson collected DNA samples of Mr. Delisser at FLPD.

Crime Scene Investigator Angela Clate responded to 2872 NW 15 Ct. at 1:39 p.m. and collected the following evidentiary items from the suspect vehicle:

- Photographs of the suspect stolen vehicle
- Projectile recovered from driver's side exterior door frame "A" Pillar

Investigator Clate observed several defects to the windshield of the suspect vehicle and a handgun on the driver's side rear passenger floorboard. She also observed a bullet hole in the driver's side door frame. Investigator Clate recovered the projectile at the request of Homicide Detective Juan Cabrera, to prevent the projectile from being lost in transit to the forensics garage. Investigator Clate secured the vehicle with crime scene tape. She then departed the scene at 2:27 p.m. and followed West Way Towing to deliver the vehicle to the forensics garage arriving at 2:45 p.m.

Detectives Falzone and Jones were transported to the FLPD station, where photographs of their overall appearance and firearms were taken by Investigator Clate. Detective Falzone was carrying a "Glock Model 17" 9mm handgun with department issued ammunition. Investigator Clate removed a 17 round magazine from Detective Falzone's firearm. The magazine had 15 live 9mm rounds present and 1 live round was removed from the chamber of his firearm. Detective Jones was carrying a "Glock Model 17" 9mm handgun with department issued ammunition. Investigator Clate removed a 17 round magazine from Detective Jones' firearm, which had 15 live rounds present and one live round was removed from the chamber of his firearm.

On November 28, 2016, Homicide Detective Mark Breen met with Mr. Ashton Benn and took a sworn statement from him detailing the circumstances of his vehicle theft (suspect vehicle). At

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that time, Detective Breen secured the consent to search Mr. Benn's vehicle. On December 1, 2016, Detective A. Johnson processed the suspect vehicle.

**Defect (1)** - was located along the bottom area of the windshield on the driver's side. The projectile appeared to have made contact with the dashboard-projectile recovered.

**Defect (2)** - was located along the top of the driver's side windshield. The projectile appeared to pass through the windshield, made entry into the vehicle. It appeared to then have entered the right rear passenger side interior door panel-small projectile fragments observed.

**Defect (3)** - appeared to have struck the driver's side front window. The projectile entered the interior of the vehicle and entered the front passenger interior door panel. It is more likely than not that the projectile recovered on the driver's seat is from defect (3).

**Defect (4)** - was located along the upper door frame of the driver's side "A" Pillar. The projectile was recovered by Investigator Clate.

Detective A. Johnson conducted a comprehensive evidentiary analysis of Mr. Benn's vehicle to include:

- Photographed the physical condition of Mr. Benn's Vehicle
- Collected and inventoried the contents of the interior of the vehicle and trunk. Refer to pages 1-5 of Detective Johnson's supplement dated December 1, 2016
- Trace evidence collection
- Projectile Trajectory Simulation
- Processing the exterior and interior for latent prints
- Swabbing the interior and exterior of vehicle for DNA
- Processing and submitting both Detective Falzone's and Detective Jones' firearms and ammunition to the Broward Sheriff's Office Crime Lab for analysis
- Processing and submitting the FNX and Cobra firearms along with ammunition to the Broward Sheriff's Office Lab for analysis

Review Detective A. Johnson's and Investigator Clate's supplement reports for detailed information regarding the collection and processing procedure of each of the evidence related to the police involved shooting.

**Homicide Report:**

On November 22, 2017, Detective Almanzar forwarded the criminal investigation of Detectives Falzone's and Jones' use of deadly force to the Office of Internal Affairs for review. On January 29, 2018, a review of Detective Almanzar's supplement report revealed the following information:

On November 28, 2016, at approximately 12:35 p.m., Detective Orlando Almanzar arrived on scene. Prior to arriving on scene Detective Almanzar requested detectives from the Crime Scene Investigations Unit along with detectives from the Technical Services Unit. Once on scene Detective Almanzar observed several marked and unmarked police vehicles in the



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parking lot. Detective Almanzar observed the McDonald's parking lot secured with crime scene tape and Officer D. Fernandez was controlling the entry/exit door to the west side parking lot. Detective Almanzar made contact with Sergeants Shannon Dameron and Ronald Magno from the ROC Unit who briefed him on the circumstances of the shooting. At the crime scene multiple witnesses were identified and interviewed by Homicide investigators. See statement section for details.

On November 28, 2016 Detective Almanzar conducted an interview with Deonte Delisser. Mr. Delisser at the time of this incident was on probation for dealing in stolen property out of Polk County. Mr. Delisser was read his Miranda rights and agreed to speak with Detective Almanzar without an attorney. See the video recorded interview of Mr. Deonte Delisser for complete details.

Mr. Delisser admitted he was in the stolen Ford Fusion at the time of the incident. Mr. Delisser stated he did not know the driver of the vehicle, but met him on the street while trying to sell him shoes. Mr. Delisser stated he paid the driver of the stolen vehicle to take him to the swap shop. Mr. Delisser stated along the way to the Swap Shop they picked up a third male he knew as "BJ." Mr. Delisser stated when the police attempted to detain them in the McDonald's drive through, he exited the stolen vehicle and fled from the police. Mr. Delisser admitted to possessing the hand gun he discarded along the wall of the McDonalds.

Detective Almanzar investigated Mr. Delisser's account in reference to how he met up with the driver of the stolen vehicle. Specifically the bus route Mr. Delisser took to arrive at the meet location. Detective Almanzar was able to disprove Mr. Delisser's version of events as the bus route did not fit Mr. Delisser's timeline. Mr. Delisser was charged accordingly. Detective Almanzar took investigative steps to identify "BJ", but was unable to identify him. See Detective Almanzar's investigative supplement for details of the interview and investigative steps taken to identify "BJ."

On November 29, 2016, Detective Almanzar received information from Detective Guerra in reference to the suspected driver of the stolen vehicle. A confidential informant named Mr. Erik Maurice Carter Jr. as the suspect driver. Detective Almanzar conducted a photographic lineup with Detective S. Johnson, but he could not positively identify Mr. Carter as the driver of the stolen vehicle. Latent prints gathered from the vehicle or other evidence recovered did not link Mr. Carter to this incident.

Detective Almanzar was notified by Detective Anthony Johnson there was a large amount of property inside the trunk of the stolen Ford Fusion. The property was identified belonging to multiple people. Detective Almanzar believed those persons were victims of crimes. Detective Almanzar made contact with Mr. Emanuel Fornah. Mr. Fornah stated he was the victim of a vehicle burglary on November 23, 2016 in West Palm Beach (Palm Beach Police Department case 2016-0021096). Detective Almanzar also made contact with Michael and Tenaya Thompson who stated they were the victims of a vehicle burglary on November 23, 2016, in West Palm Beach (Palm Beach County Sheriff's Office case 2016-155657).

Detective Almanzar ran background checks on both firearms recovered during this incident. The FNH 9MM firearm dropped by Mr. Delisser is registered to James Agnor. Mr. Agnor reported his gun stolen during a vehicle burglary in Fort Lauderdale on November 27, 2016,( FLPD case 34-1611-174329). The Cobra .380 firearm recovered from the floorboard of the

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Ford Fusion was originally purchased by Mr. Shuan Seabrook. Detective Almanzar was unable to make contact with Mr. Seabrook to ascertain how the firearm was located in the suspect vehicle.

Detective Almanzar had both firearms sent to the lab for further evaluation. Detective Almanzar also had blood recovered from the Ford Fusion sent to the lab. On May 31, 2017 Detective Almanzar received the Broward Sheriff's Office Crime Lab report. The lab report identified the blood recovered from the interior driver's side door panel identified Mr. Tavares Taylor. Detective Almanzar authored a warrant for Mr. Taylor and it was granted by Judge Singhal.

Detective Almanzar learned that Mr. Taylor also had a warrant from the PBSO (case 2017-056539). During the incident in Palm Beach Mr. Taylor attempted to run over a Sheriff's Deputy. On July 20, 2017, Mr. Taylor was arrested for his outstanding warrants.

**Suspect Tavares Taylor**

On August 1, 2017, Detective Almanzar met with Mr. Taylor while incarcerated. Mr. Taylor was read his Miranda warnings and agreed to speak with Detective Almanzar. Mr. Taylor stated he does know Deonte Delisser. Mr. Taylor stated on November 28, 2016, he was not at the McDonald's drive through in Fort Lauderdale. Mr. Taylor stated he was not a passenger of a Ford Fusion on the date in question and he was not shot at by police officers. *This is a summary of the total statement and is not verbatim. Refer to the transcript for details.*

**STATEMENTS**

**Witness: Shauna Harvey**

On November 28, 2016, at approximately 12:55 p.m., Homicide Detective Almanzar took a sworn recorded statement from Mrs. Shauna Harvey. Mrs. Harvey indicated she works for McDonald's and on this date she was working the drive through window. Mrs. Harvey stated she observed the suspect vehicle (she described as a silver or grey Ford Fusion) in the drive through paying for their order. Mrs. Harvey stated there were three occupants in the vehicle, which she described as all black males.

Mrs. Harvey stated she observed an undercover police vehicle with "police lights" enter the drive through in the opposite direction and block the Ford Fusion along with the occupants. Mrs. Harvey stated she observed the officers (who were wearing their police tactical vests) approach the Ford Fusion. Mrs. Harvey stated the following:

*"And from then I said, Okay, and I walked away from the window, but as the police officer told the guy not to move to stay where he was and he continued to move the car the police officer then drew his gun and let out three shots" (Pg 2, lines 50-53).*

Detective Almanzar followed up with asking if the officers had their guns drawn at this time. Mrs. Harvey replied, "No, not until the officer observed the driver disobeying his commands not to move". Mrs. Harvey stated the front seat passenger and rear seat passenger exited the vehicle, when the driver backed up the vehicle ignoring the officer's commands.



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Mrs. Harvey stated she observed the officer back up and she assumed the driver of the Ford Fusion was going towards the officer like he was going to hit him. Mrs. Harvey stated she observed the officer jump back and heard the gun shots. Mrs. Harvey stated she heard three gun shots and she took cover. Mrs. Harvey was asked what happened to the other two suspects in the vehicle. Mrs. Harvey stated the front seat passenger fled eastbound from the drive through with several detectives chasing him and the rear seat passenger got out of the vehicle, stood next to the drive through window, claiming to have no knowledge as to what had transpired. Mrs. Harvey stated the rear seat passenger also attempted to enter the McDonald's, but was denied access by management.

Mrs. Harvey did give a description of the two passengers of the Ford Fusion. She stated she would be able to identify the rear seat passenger, but would not be able to identify the driver of the Ford Fusion. *This is a summary of the total statement and is not verbatim. Refer to the transcript for details.*

**Witness: John Brooks**

On November 28, 2016, at approximately 1:26 p.m. Detective Almanzar obtained a sworn recorded statement from Mr. John Brooks. Mr. Brooks stated he was visiting a friend (Albert Lane) at his home located at 2231 NW 9 PL. Mr. Brooks stated they were standing out front of the home when they noticed a black male exit Mr. Lane's backyard. The male continued to run to the next yard and jumped the fence.

Mr. Brooks stated a couple of seconds later he observed two police officers. Mr. Brooks stated the officers were searching for the male. Mr. Brooks was asked if the officers had their guns drawn while searching for the male suspect and he replied no, they were in their holsters. Mr. Brooks described the black male as approximately thirty years old and gave a clothing description for him. Mr. Brooks stated he later learned the male was apprehended. Mr. Brooks had no information in reference to the initial shooting. *This is a summary of the total statement and is not verbatim. Refer to the transcript for details.*

**Witness: Adjail Edwards**

On November 28, 2016, at approximately 2:00 p.m., Detective Almanzar obtained a sworn recorded statement from Mr. Adjail Edwards. Mr. Edwards stated he left school to get lunch at McDonald's. Mr. Edwards stated he was seated near the window located on the west side of the restaurant facing NW 24 Avenue. Mr. Edwards stated he observed a car leave the gas station from across the street and enter the McDonald's property. Mr. Edwards stated he watched the vehicle enter the drive through in the wrong direction and block vehicles in the drive through from exiting. Mr. Edwards stated he wasn't sure it was a police vehicle.

Mr. Edwards observed officers exit the vehicle and surround the building. Mr. Edwards stated he heard approximately two to three gun shots. Mr. Edwards was asked if he could describe the officer that was shooting and he stated he had on a blue shirt and a badge. Mr. Edwards had no direct information as to what or who the officers were shooting at, but assumed they were shooting at something in the drive through. Mr. Edwards had no information as to how the suspect vehicle left the drive through. *This is a summary of the total statement and is not verbatim. Refer to the transcript for details.*

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**Witness: Patrick Hanley**

On November 28, 2016, at approximately 11:00 p.m., Detective Almanzar obtained a sworn recorded statement from Mr. Patrick Hanley. Mr. Hanley stated he was in the McDonald's east side parking lot fixing a flat tire to his vehicle. Mr. Hanley stated he heard three to four gun shots. Mr. Hanley stated he observed a black male run through the parking lot and several plain clothes detectives chasing after him. Mr. Hanley stated one of the detectives stated he has a gun, referring to the black male they were chasing. The detectives continued to chase the suspect over the wall along the McDonald's parking lot. Mr. Hanley did not see a gun in the suspect's hand and gave a physical description of him to the detective. Mr. Hanley had no direct knowledge to the actual shooting. *This is a summary of the total statement and is not verbatim. Refer to the transcript for details.*

**Witness: Tyler Hankerson**

On November 30, 2016, at approximately 4:35 p.m., Detective Almanzar obtained a sworn recorded statement from Mr. Tyler Hankerson. Mr. Hankerson stated he went to the McDonad's on his lunch break. Mr. Hankerson stated he was in the drive through paying for his order when he heard someone say get out the car, get out the car. Mr. Hankerson stated he observed the rear passenger of the vehicle in front of him (he described as a 2011-2012 tan Ford Fusion) get out of the car. Mr. Hankerson stated he observed the suspect vehicle back up towards his vehicle. Mr. Hankerson stated he blew his horn because the suspect vehicle was close to hitting his vehicle.

Mr. Hankerson stated he observed the police yelling at the vehicle "Get out-get out." Mr. Hankerson stated the officers had their guns drawn. Mr. Hankerson stated the suspect vehicle jumped the curb and was on the sidewalk next to Sunrise Blvd. Mr. Hankerson stated he observed the police shooting at the suspect vehicle. Detective Almanzar established before the shooting, Mr. Hankerson observed the officers in front of the suspect vehicle. Furthermore, that the suspect driver failed to follow the orders given to him before shots were fired at the suspect vehicle. Mr. Hankerson described how the suspect vehicle jumped the curb out of the drive through, crossed over the sidewalk and entered the intersection. *This is a summary of the total statement and is not verbatim. Refer to the transcript for details.*

**Witness: Lavette Magnus**

On November 28, 2016, at approximately 1:37 p.m., Homicide Detective Mark Breen took a sworn recorded statement from Mrs. Lavette Magnus. Mrs. Magnus was present during this incident and shown a potential suspect. Mrs. Magnus was not able to make a positive identification of the person she was shown. *This is a summary of the total statement and is not verbatim. Refer to the transcript for details.*

**Victim: Ashton Benn**

On November 28, 2016, at approximately 5:37 p.m., Detective Mark Breen took a sworn recorded statement from Mr. Ashton Benn. Mr. Benn explained the circumstances related to the theft of his 2012 Ford Fusion (West Palm Beach Police Department case 2016-0019658). Mr. Benn verbally consented to a search of his vehicle. Mr. Benn signed the consent to search

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form. *This is a summary of the total statement and is not verbatim. Refer to the transcript for details.*

**Detective: Thomas Vazquez**

On November 28, 2016, at approximately 2:43 p.m., Homicide Detective Mark Shotwell took a sworn recorded statement from Detective Thomas Vazquez. Detective Vazquez stated he was working on November 28, 2016, in his capacity as a detective with the FLPD ROC Unit. Detective Vazquez stated he was riding in an unmarked leased vehicle with Detectives S. Johnson and Troiano. Detective Vazquez stated he received information via radio of the stolen Fusion at the McDonald's. Detective Vazquez stated once they arrived he noticed the Fusion in the drive through. Detective Vazquez stated he pulled into the south side of the parking lot and he could see the nose of the Fusion in the drive through lane. Detective Vazquez stated Detective S. Johnson got out of his vehicle and began to walk over to the drive through. Detective Vazquez stated he exited his vehicle and he observed the Fusion accelerate forward towards Detective Falzone. Detective Vazquez stated:

*"Correct. Yeah. I-I seen it accelerate in the direction of, uh, Falzone. Falzone was kinda-I seen him kinda spin outta the way, what looked like, ya know, i-it looked like the car actually hit him, struck him. Um, I heard a couple of shots fired. I couldn't tell if the shots were comin' from the car or from our officers...(Pg 5, lines 204-208)*

Detective Vazquez stated that Detective Falzone was facing the suspect vehicle, but was to the right of the driver's side door. He was not sure approximately how far Detective Falzone or the other detectives were in relation to the suspect vehicle, but the suspect vehicle accelerated quickly towards the detectives. Detective Vazquez went on to explain how the suspect vehicle exited the drive through.

Detective Vazquez was asked if the gun shots occurred before or after Detective Falzone was hit by the vehicle. Detective Vazquez could not give a definitive answer. Detective Vazquez stated he heard two or three gun shots. After the suspect vehicle fled the drive through, Detective Vazquez stated he took a perimeter point to help contain the at large suspects that were on foot. *This is a summary of the total statement and is not verbatim. Refer to the transcript for details.*

**Detective: Chris Troiano**

On November 28, 2016, at approximately 2:31 p.m., Detective Shotwell took a sworn recorded statement from Detective Chris Troiano. Detective Troiano stated he was working on November 28, 2016, in his capacity as a detective with the FLPD ROC Unit. Detective Troiano stated he received information from other detectives in the unit in reference to a stolen vehicle. Detective Troiano stated he along with Detectives Vazquez and S. Johnson responded to the McDonald's parking lot. Once there, they parked their car on the south side of the parking lot.

Detective Troiano stated he exited their vehicle and proceeded to the drive through area. Detective Troiano stated he heard one of the detectives indicate they had a runner from the suspect vehicle and then he heard shots fired. Detective Troiano then ran eastbound along the south side of the building. He then observed a black male running through the McDonald's



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parking lot. Detective Troiano stated he chased the male as he jumped over a wall. Detective Troiano stated before the suspect jumped over the wall, he observed a gun on the ground. Detective Troiano stayed with the gun until relieved by a uniformed officer. Detective Troiano stated he had no direct knowledge of the circumstances which led the other detectives to discharge their firearms during this incident. *This is a summary of the total statement and is not verbatim. Refer to the transcript for details.*

**Detective: Mark Clark**

On November 28, 2016, at approximately 2:06 p.m., Detective Shotwell took a sworn recorded statement from Detective Mark Clark. Detective Clark stated he was working on November 28, 2016, in his capacity as a member of the FLPD ROC Unit. Detective Clark stated he received information from Detectives Falzone and Jones in reference to a stolen vehicle they located in the McDonald's parking lot. Detective Clark stated he responded to the area and then waited in his vehicle on W Sunrise Blvd in the left turn lane to head south on NW 24 Avenue.

Detective Clark stated he observed the detectives drive their vehicles into the drive through lane. Detective Clark stated the suspect vehicle backed up and he observed one of the doors open and one of the suspects started to get out of the car. Detective Clark stated he got out of his vehicle and approached the suspect vehicle. Detective Clark stated the suspect that got out of the vehicle ran eastbound in the drive through. Detective Clark stated he ran after him. He then heard gunshots. He turned around briefly, but continued his chase on foot.

Detective Clark then detailed his account of the foot chase. Detective Clark stated he observed the suspect drop a gun near a wall on the McDonald's property. The suspect then fled over the wall and was later apprehended by other officers. Detective Clark was able to positively identify the detained person as the subject that ran from the suspect vehicle. That suspect was identified as Deonte Delisser. Detective Clark had no direct information in reference to the shots fired in the drive through. *This is a summary of the total statement and is not verbatim. Refer to the transcript for details.*

**Detective: Steven Johnson**

On November 28, 2016, at approximately 2:42 p.m., Detective Shotwell took a sworn recorded statement from Detective S. Johnson. Detective S. Johnson stated he was working on November 28, 2016, in his capacity as a detective with the FLPD ROC Unit. Detective S. Johnson stated he and Detective Vazquez responded to the McDonald's in reference to a stolen vehicle. They parked on the south side of the lot. Detective S. Johnson stated he observed the other detectives vehicles move in to conduct a traffic stop. Detective S. Johnson stated he proceeded over to the drive through on foot where the suspect vehicle was stopped. Detective S. Johnson stated as he turned the corner of the drive through he was now head on with the suspect vehicle.

Detective S. Johnson stated he drew his firearm out to provide lethal cover on the suspect vehicle. Detective S. Johnson stated the suspect vehicle backed up in the drive through. He observed the front seat and rear seat passenger exit the vehicle. Detective S. Johnson stated the driver attempted to exit the vehicle and he approached to detain him. The driver got back into the vehicle and Detective S. Johnson stated:

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*"He gets back in the car and I'm, you know, giving him commands, Stop, police, turn the car off. He guns it in the drive through, um, as he passes me and at that point I heard some- some gun shots go off" (Pg 4, lines 141-143).*

Detective S. Johnson stated the driver of the vehicle accelerated it in the drive through passed him and then he heard gun shots. Detective S. Johnson was asked who fired the shots and he could not give a definitive answer. Detective S. Johnson stated the suspect vehicle then fled westbound in the eastbound lanes of traffic on W Sunrise Blvd.

Detective S. Johnson started to get back into Detective Vazquez's vehicle, but decided to remain on scene and help locate the other suspects. Detective S. Johnson later aided other detectives in locating and taking Deonte Delisser into custody. *This is a summary of the total statement and is not verbatim. Refer to the transcript for details.*

**Detective: Matthew Guerra**

On November 28, 2016, at approximately 2:17 p.m., Detective Shotwell took a sworn recorded statement from Detective Matthew Guerra. Detective Guerra stated on November 28, 2016, he was working in his capacity as a detective with the FLPD ROC Unit. Detective Guerra stated he received information from Detectives Falzone and Jones in reference to a stolen vehicle in the McDonald's drive through. Detective Guerra responded to the area and staged in the parking lot of the Valero Gas Station across the street from McDonalds.

Detective Guerra stated he and the other detectives decided to conduct a felony stop in the McDonald's drive through. Detective Guerra stated he drove his police vehicle into the drive through, head on with the suspect vehicle. His vehicle was blocking the suspect vehicle from exiting the drive through. Detective Guerra stated he activated his police lights on his vehicle, exited his car, and approached the suspect vehicle on foot along with Detectives Falzone, Jones, Clark, and Johnson.

Detective Guerra stated he observed the front passenger door open and the passenger attempt to exit the vehicle. Detective Guerra attempted to make contact with that suspect. Detective Guerra stated the driver of the suspect vehicle then accelerated the vehicle forward at the detectives. Detective Guerra stated he approached the suspect vehicle at an angle, which allowed him to jump out of the way of the suspect vehicle path. Detective Guerra stated once the suspect car passed him, he decided to chase the front seat suspect along with Detective Clark eastbound through the drive through. Detective Guerra stated as he was chasing the suspect and he heard gun shots, but continued to chase the suspect. Detective Guerra was asked if he knew where the gun shots were coming from and he stated he did not.

Detective Guerra's statement details his observations while chasing the suspect. He described the suspect's physical description, clothing description and firearm recovered from the suspect while attempting to climb a wall (located along the south side of the McDonald's parking lot). Detective Guerra stated the suspect was later apprehended and he identified him as the front seat passenger/suspect. That person was later identified as Deonte Delisser. *This is a summary of the total statement and is not verbatim. Refer to the transcript for details.*

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**Accused Detective: Johnathan Jones**

On December 12, 2018, at approximately 11:12 a.m. Detective Almanzar took a sworn recorded statement from Detective Jones. Detective Jones stated on November 28, 2016, he was working in his capacity as a FLPD detective assigned to the ROC Unit. Detective Jones states he was dressed in plain clothes and wearing his department issued bullet proof tactical vest with police insignias. Detective Jones stated he was working with Detective Vincent Falzone and they were traveling in his department issued unmarked vehicle.

Detective Jones stated while in the 1600 block of NW 27 Ave they spotted a suspicious vehicle. The vehicle, a Ford Fusion had a Maine tag attached. Detective Jones stated they believed it was a rental vehicle and possibly a stolen vehicle. Detective Jones stated they followed the vehicle through the neighborhood until it stopped in the McDonald's drive through. Detective Jones stated he ran the vehicle tag through teletype and confirmed it as a stolen vehicle out of West Palm Beach.

Detective Jones stated Detective Falzone switched over to the ROC Unit TAC channel on his radio and advised the other detectives in their unit of the circumstances. Detective Jones stated Sergeant Dameron was monitoring their channel and advised them to go over to patrol's main channel for assistance. Detective Jones stated he went over to patrol's main channel while Detective Falzone stayed on the TAC channel.

Detective Jones stated Detective Guerra had arrived on scene and was staging in the Valero Gas Station across the street from the McDonald's. Detective Jones stated Detectives Vazquez, S. Johnson and Troiano also arrived at the McDonald's. Detective Jones stated he believed it was Sergeant Dameron's decision to conduct a felony stop on the suspect vehicle in the drive through, based on the amount of foot and vehicular traffic in the area.

Detective Jones stated Detective Guerra drove his vehicle into the drive through and Detective Falzone drove his vehicle into the drive through behind him. Detective Jones stated once Detective Guerra activated his lights and sirens to initiate the felony stop, the driver of the suspect vehicle backed the car into reverse. Detective Jones observed the front and rear passenger door open up, as if the occupants were about to bail out of the vehicle. Detective Jones stated at this point the driver cut the wheel to the right and the front seat passenger exited the vehicle. Detective Jones stated the front seat suspect began to run away as the suspect vehicle accelerated forward. Detective Jones stated:

*"I could see it happened so fast all I could see is that Detective Falzone instantly was up on the hood of the vehicle um and at this point I heard 2 shots ring out, but I couldn't tell where they were coming from...uh at that point in time I just saw him get hit. I heard 2 shots ring out un Detective Falzone falls off the car and now at this point the car is high rate of speed... uh starts coming in my direction and not only in my direction on the sidewalk there um at which point in time I was in fear for my life, and I discharged my firearm 2 rounds at the un the subject who was coming in my direction" (Pg 6, lines 140-149).*

Detective Jones stated the suspect driver corrected his course onto W Sunrise Blvd. Detective Jones stated he advised dispatch of the circumstances. He and Detective Falzone got into their car and attempted to locate the suspect vehicle. They were unsuccessful and returned to



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McDonald's. This is a summary of the total statement and is not verbatim. Refer to the transcript for details

**Accused Detective: Vincent Falzone**

On December 13, 2016, at approximately 11:44 a.m., Detective Almanzar took a sworn recorded statement from Detective Falzone. Detective Falzone stated on November 28, 2016, he was working in his capacity as a detective assigned to the FLPD ROC Unit. Detective Falzone stated he was working with Detective Jones. The two of them were riding in Detective Falzone's unmarked police vehicle. Detective Falzone stated while in the 1600 block of NW 27 Ave, they spotted a suspicious newer model vehicle with a Maine tag attached. The vehicle had accident damage which aroused their suspicions.

Detective Falzone stated they followed the vehicle through the neighborhood until it reached the McDonald's drive through. Detective Falzone stated Detective Jones confirmed the tag with FLPD teletype as a stolen vehicle. Detective Falzone stated he notified the other detectives in his unit via radio of the circumstances. Detective Falzone stated Detective Guerra arrived on scene and staged in the Valero Gas Station. Detective Falzone stated Detectives Vazquez, S. Johnson and Troiano also responded to the McDonald's.

Detective Falzone stated the detectives from the unit, along with the unit sergeant decided to conduct a take down in the drive through to prevent a pursuit. Detective Falzone stated once there were no civilian vehicles in front of the suspect vehicle they decided to conduct the stop. Detective Falzone observed Detective Guerra drive his vehicle into the drive through exit. Detective Falzone followed in his vehicle. Detective Falzone stated Detective Guerra activated his police lights.

Detective Falzone stated the driver of the suspect vehicle backed up at a high rate of speed. According to Detective Falzone the suspect vehicle struck the car behind them in line and parts of the civilian vehicle went all over the place. Detective Falzone stated he observed suspects exiting the suspect vehicle. Detective Falzone stated he approached the vehicle to apprehend the suspects exiting the vehicle. Detective Falzone stated the suspect vehicle was driving towards him and he stated:

*"The next thing I know this car is driving at me, I'm like I'm gonna be killed by this car there's nothing I can do nowhere to go the cars coming at me very quick and to me to me I really think the guy angled and was really trying to hit me because it seemed like there was space where he could have not gone toward me um so I draw my firearm also the drivers hands are up by wheel and I see something that looks like a gun and it's in his right hand uh so I draw my firearm I shoot at him uh and then I think I'm hit by the car...." (Pg 5, lines 117-124)*

Detective Falzone was unclear whether he shot first or the suspect vehicle hit him first. Detective Falzone stated he was on top of a car, then off of it as he watched it pass him. The suspect vehicle then fled over the bushes next to the drive through and out to W Sunrise Blvd.

Detective Falzone stated he and Detective Jones got into his vehicle and attempted to locate the suspect vehicle. They were unsuccessful and returned to McDonald's. Detective Falzone

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stated he was transported to Broward General Hospital for injuries sustained in this incident. *This is a summary of the total statement and is not verbatim. Refer to the transcript for details*

**EXHIBITS/EVIDENCE**

**Close-out memorandum authored by Broward State Attorney Office & Brady List notice:**

On May 11, 2017, Assistant State Attorney in Charge (ASAC) Timothy Donnelly issued a letter to Police Chief Rick Maglione, notifying him that Detectives Vincent Falzone and Johnathan Jones police involved shooting was under review by his office.

On November 21, 2017, ASAC Donnelly issued a letter to Police Chief Maglione notifying him that the SAO Special Prosecutions Office has concluded their investigation into Detectives Falzone and Jones police involved shooting. Attached was a closeout memorandum prepared by Assistant State Attorney (ASA) Bernadine Philippe. According to ASA Philippe, she determined Detectives Falzone and Jones were legally justified in their use of force. No criminal charges would be filed against Detectives Falzone and Jones.

**Fort Lauderdale Police Department Offense Incident Report 34-1611-174939:**

The original report was submitted by Officer Aidan Finnerty (CCN 1651). Officer Finnerty arrived on scene, assisted with the perimeter and securing the crime scene.

**Fort Lauderdale Police Department Supplement Reports 34-1604-174939:**

The following Officers authored a supplement report outlining their involvement:

Officer Vincent Schrider (CCN 1353)	Officer Mark DeBord (CCN 1310)
Officer Aaron Burk (CCN 1575)	Officer Jesus Gonzalez (CCN 1633)
Officer Ernst Etienne (CCN1675)	Officer Duval Madrigal (CCN 1203)
Officer Mark Johnson (CCN 1638)	Officer Kevin Rigas (CCN 1903)
Officer Sergio Fernandez (CCN 1693)	Officer Alec Lassman (CCN 1450)
Officer Lauren Fahie (CCN1695)	Officer Todd Hill (CCN 1325)
Officer Markes Brown (CCN1864)	Officer Angie Ramirez (CCN 1800)
Officer Dale Iben (CCN 1166)	Officer Pete Harritos (CCN 1795)
Officer Brian Meo (CCN 1314)	Officer Andrew Mick (CCN 1898)
Officer Anna Diaz (CCN 1482)	Detective Orlando Almanzar (CCN 1482)
Detective Anthony Johnson (CCN 1394)	Detective Mark Breen (CCN 1100)
Print Examiner Mary Delvalle (CCN 6614)	CSI Angela Clate (CCN 6617)

**Fort Lauderdale Police Department, Homicide Unit Supplemental Report:**

Homicide Detective Orlando Almanzar was assigned to investigate the officer-involved shooting.

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**Fort Lauderdale Police Department, Crime Scene and Latent Fingerprint Reports:**

Investigator Anthony Johnson was assigned as the lead Detective to process and collect evidence related to the police involved shooting. He prepared a detailed report of where all of the evidentiary items were collected. Detective A. Johnson was assisted by Investigator Angela Clate. Latent Print Examiner Mary Delvalle examined all evidence related to fingerprint identification.

**Broward Sheriff's Office Communication Division- Law Enforcement/Fire Rescue Summary Sheet:**

Dispatch (CAD) notes detailing the chronological events that took place during the police shooting.

**Miscellaneous Investigatory Paperwork:**

The FLPD Homicide Unit amassed a substantial amount of paperwork related to the criminal investigation. These documents included:

- Probable Cause Affidavit for Mr. Deonte Delisser
- Booking Photo for Mr. Deonte Delisser
- Probation Status Report for Mr. Deonte Delisser
- Criminal History for Mr. Deonte Delisser
- Warrant Affidavit for Mr. Tavares Taylor
- Probable Cause Affidavit for Mr. Tavares Taylor
- Booking Photo for Mr. Tavares Taylor
- Criminal History for Mr. Tavares Taylor
- Transcribed statement for interview with Tavares Taylor
- Robbery report for Tavares Taylor Broward County Sheriff's case 12-1307-001520
- Aggravated Battery on a LEO report for Tavares Taylor Palm Beach County Sheriff's case 17-056539
- Stolen vehicle report (Ford Fusion) West Palm Beach Police Department 2016-0019658
- Consent to search form for the Ford Fusion
- Burglary report from West Palm Beach Police Department 2016-0019654
- Burglary report from West Palm Beach Police Department 2016-0021096
- Firearms Trace Summary Report for the FNX-9MM
- Fort Lauderdale Police Department Report 34-1611-174329 Burglary report for stolen FNX-9MM
- Firearms Trace Summary Report for .380 Cal Cobra Firearm
- Latent Print Reports by Mary Delvalle
- Broward Sheriff's Office Property Receipt-for Lab work requested
- Broward Sheriff's Office Request for Services
- Broward Sheriff's Office Crime Laboratory Analysis Report Dated April 21, 2017
- Broward Sheriff's Office Crime Laboratory Analysis Report Dated May 31, 2017
- Florida Department of Law Enforcement Laboratory Analysis Report Dated December 29, 2016
- Law Enforcement Officer Firearms Qualification Standard form for Detective Falzone



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- Law Enforcement Officer Firearms Qualification Standard form for Detective Jones
- Shift Rosters
- Crime Scene Diagrams

**Fort Lauderdale Response to Resistance Policy 119.1:**

The purpose of this policy is to establish and maintain guidelines for Fort Lauderdale Police Officers' Response to Resistance.

**Fort Lauderdale Response to Resistance- Reporting, Evaluation, and Investigation Policy 119.3:**

The purpose of this policy is to ensure that any response to resistance by Department members shall be accurately reported and subject to a thorough and objective evaluation.

**Scene Photographs (CD):**

Images of the overall crime scene  
Images of Mr. Ashton Benn's grey Ford Fusion  
Overall body pictures of Detectives Falzone and Jones  
Images of Detectives Falzone's and Jones' firearms  
Images of the suspect's recovered firearms  
Images of all recovered property from the Ford Fusion

**CD of the 911 and Dispatch Audio:**

Audio of the traffic stop and subsequent search for Deonte Delisser

**CD of McDonald's Surveillance Video**

Surveillance video from McDonald's drive through

**CD of Interview with Deonte Delisser**

Audio of the interview conducted by Detective Almanzar of Mr. Delisser

**CONCLUSION**

- On November 28, 2016, Detectives Vincent Falzone and Johnathan Jones located a suspicious vehicle- 2012 Ford Fusion Maine Tag-9326UG, in the area of the 1600 block of NW 27 Ave. Based on the overall appearance of the vehicle the detectives suspected it was a stolen vehicle. The detectives confirmed it as a stolen vehicle with the FLPD Teletype Unit.
- Detectives Falzone, Jones and Guerra using their unmarked vehicles, drove into the McDonald's drive through in the opposite direction coming head on with the suspect vehicle. Detective Guerra had his vehicle police lights activated.

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- Detectives Falzone, Jones, Guerra, Clark, and Johnson all approached the suspect vehicle on foot. The detectives were dressed in plain clothes. They were wearing their department issued body armor and tactical vests. The vests have patches with POLICE across the chest and the detectives had their badges clipped to their belts. Detectives Falzone and Jones were each armed with a Glock 9MM Model 17. All of the detectives were armed and carrying their department issued radios. The detectives approached the vehicle and gave clear commands to Mr. Taylor which he ignored.
- Mr. Taylor accelerated the vehicle forward and intentionally struck Detective Falzone with his vehicle. Detective Falzone fearing for his life simultaneously fired (2) rounds at the vehicle.
- Mr. Taylor steered his vehicle over a curb in the drive through. He then ran over a row of bushes separating the drive through from the sidewalk toward Detective Jones' position. Detective Jones in fear for his life and the life of civilian bystanders on the sidewalk/bus bench fired (2) rounds at the suspect vehicle.
- Section 776.05(1) (2016), Florida Statutes, an officer is justified in the use of any force that he or she reasonably believes necessary to defend himself or herself or another from bodily harm while making an arrest..
- In this case, the actions of Detectives Falzone and Jones in discharging their firearms were legally permissible under F.S.S. 776.012, as they were both subjectively in fear for themselves and safety of others as Mr. Taylor used his vehicle as a weapon in a manner that could inflict great bodily harm or death.
- Based on the totality of the circumstances and the actions committed by Mr. Taylor, it was concluded that Detectives Falzone and Jones fears were objectively reasonable, and their decision to use deadly force was deemed justified by the Broward State Attorney's Office.
- Fort Lauderdale Police Department Policy 119.1 –Response to Resistance, allows the use of deadly force when an officer has probable cause to believe such force is required to prevent death or great bodily harm to the officer or another person.

Under the penalties of perjury, I declare that I have read the foregoing document and that the information contained within it is accurate to the best of my knowledge and belief.

Furthermore, I, the undersigned, do hereby swear, under penalty of perjury, that to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive the subject of the investigation of any of the rights contained in SS. 112.532 and 112.533 Florida Statutes.

INVESTIGATOR'S SIGNATURE:

*William M. Malinski*

CCN:

*1568*

*3/28/2018*



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8. Thomas Vazquez-Detective Witness
9. Chris Troiano-Detective Witness
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11. Steven Johnson-Detective Witness
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#### Exhibits/Evidence

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  - Law Enforcement Sheet
  - 911 Call Summary Sheet
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18. **Brady List Letter from ASAC Timothy Donnelly**
19. **Miscellaneous Investigatory Paperwork**
  - Probable Cause Affidavit for Mr. Tavares Taylor
  - Warrant Application for Mr. Tavares Taylor
  - Booking photo for Mr. Tavares Taylor
  - Criminal History for Mr. Tavares Taylor
  - Transcribed statement for interview with Tavares Taylor



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**20. Fort Lauderdale Police Department Policies**

- Fort Lauderdale Policy 119.1 - Response to Resistance
- Fort Lauderdale Policy 119.3 – Reporting, Evaluation, and Investigation

**21. Audio, Photographic, Video Evidence**

- BSO 911 call audio
- McDonald's Surveillance Video
- FLPD Crime Scene Investigations photos
- Deonte Delisser interview video